

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Vanden Heuvel, et al.
SERIAL NO. : 09/555,987
FILED : September 11, 2000
FOR : Methods and Compositions for Treating Diabetes
GROUP ART UNIT : 1617
EXAMINER : Sang Ming Hui

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Commissioner for Patents
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Response in Application

In response to the Examiner's office action of September 22, 2004, and in light of the Examiner's new rejection of the previously submitted claims and recitation of new art in positing that rejection, Applicants respectfully request the Examiner withdraw the finality of the office action and consider this response as a response to a non-final office action. Applicants present the following arguments along with the Declaration of inventor Dr. John Vanden Heuvel in support of the patentability of the previously submitted claims. No amendment has been made to the previously filed claims. Claims 1-15 and 22-24 continue to be pending in the present application. It is noted here that Applicants believe their claims to be patentable over the new combination of references cited by the Examiner in this application and wish to have the allowance of this application expedited.

Applicants assert that the Examiner's new rejection of the pending claims under 35 U.S.C. §103 should be withdrawn and that pending claims 1-15 and 22-24 are now in condition for allowance. Essentially, it is Applicants' position that when one dissects the Examiner's interpretation of the putative teachings of the cited art, and in particular, de Boer, and compares the Examiner's interpretation of those teachings, with the prior art teachings which relate to those same fatty acids as being inactive or deleterious in the treatment of diabetes, one is left with the unequivocal view that the present invention represents an unexpected result over the cited

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references. The present invention therefore, must be viewed as patentable over the cited prior art.

The following shows the status of the pending claims.

In the Claims:

No amendment is made to the claims. Claims 1-24 remain pending.

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